

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

ROBERT JAMES STEWART,  
WES MARTINSON, *et al.*,

Plaintiffs,

v.

CHELAN COUNTY DISTRICT  
COURT, *et al.*,

Defendants.

NO. CV-05-256-RHW

**ORDER DENYING PLAINTIFFS'  
MOTIONS FOR  
RECONSIDERATION;  
GRANTING PLAINTIFFS'  
MOTION TO WITHDRAW**

Before the Court are Plaintiffs' Motion Begging Leave/Permission to Submit Motion for Reconsideration (Ct. Rec. 286) and Plaintiffs' Motion for Reconsideration (Ct. Rec. 287). On May 22, 2007, the Court ordered that judgment be entered in favor of the Defendants and against the Plaintiffs (Ct. Rec. 281). Plaintiffs appear to be asking the Court to reconsider that order.

Also before the Court is Plaintiffs Robert Rutherford and Jolynne Rutherford's Motion to Withdraw (Ct. Rec. 285). Plaintiffs Robert Rutherford and Jolynne Rutherford ask that their names be removed from this lawsuit.

"[A] motion for reconsideration should not be granted, absent highly unusual circumstances, unless the district court is presented with newly discovered evidence, committed clear error, or if there is an intervening change in the controlling law." *Kona Enterprises, Inc. v. Estate of Bishop*, 229 F.3d 877, 890 (9th Cir. 2000) (quoting *389 Orange Street Partners v. Arnold*, 179 F.3d 656, 665 (9th Cir. 1999)). It is considered an "extraordinary remedy, to be used sparingly in

**ORDER DENYING PLAINTIFFS' MOTIONS FOR RECONSIDERATION;  
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1 the interests of finality and conservation of judicial resources.” *Id.* A motion  
2 under Rule 59(e) “may *not* be used to raise arguments or present evidence for the  
3 first time when they could reasonably have been raised earlier in the litigation.” *Id.*  
4 (emphasis in original).

5 Plaintiffs have not provided any credible arguments as to why the Court’s  
6 order entering judgment in favor of the Defendants should be reconsidered.

7 Accordingly, **IT IS HEREBY ORDERED:**

8 1. Plaintiffs’ Motion Begging Leave/Permission to Submit Motion for  
9 Reconsideration (Ct. Rec. 286) is **DENIED**.

10 2. Plaintiffs’ Motion for Reconsideration (Ct. Rec. 287) is **DENIED**.

11 3. Plaintiffs’ Motion to Withdraw (Ct. Rec. 285) is **GRANTED**. The  
12 District Court Executive should update the court record to reflect that Robert  
13 Rutherford and Jolynne Rutherford are no longer Plaintiffs in this action.

14 4. The District Court Executive is directed to **close** this file.

15 **IT IS SO ORDERED.** The District Court Executive is directed to enter this  
16 Order, forward copies to counsel and Plaintiffs, and close the file.

17 **DATED** this 22<sup>nd</sup> day of June, 2007.

18 *S/ Robert H. Whaley*

19 ROBERT H. WHALEY  
20 Chief United States District Judge

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